

Application No. 10/618,291
Amendment dated April 17, 2006
Reply to Office Action of November 11, 2005

REMARKS/ARGUMENTS

Responsive to the Official Action mailed November 11, 2005, applicants have further amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 1 and 10 have been amended, dependent claims 4, 5 and 12 cancelled, and dependent claim 6 amended. Reconsideration is respectfully requested.

As previously discussed, the present invention is directed to a nonwoven laminate construct configured for enhanced cleaning, wherein two functionally diverse surfaces are provided by laminating two nonwoven fabric layers having differing characteristics. In particular, an absorbent nonwoven fabric layer is provided comprising staple length fibers, with all of the claims now specifying the provision of an associated abrasive nonwoven fabric layer comprising relatively *coarse denier meltblown filaments*. It is respectfully submitted that such a construct is neither taught nor suggested by the cited prior art.

In the Action, the Examiner rejected the pending claims under 35 U.S.C. §103, with reliance upon U.S. Patent No. 6,486,931, to Reeder et al. This rejection is respectfully traversed. Significantly, this reference has *no teaching or suggestion* of providing a construct in accordance with the presently pending claims, wherein an abrasive layer is provided by *coarse denier meltblown filaments*.

At the outset, applicants must respectfully note that the principal thrust of this reference is a "bonded nonwoven fabric which is particularly useful as a *liner in an absorbent product*" (see Abstract). In this context, there is essentially no teaching or suggestion of this reference of *dual functionality*, in accordance with the present invention, wherein one surface of

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applicants' novel construct is configured for abrasiveness to enhance cleaning. *Reeder et al.* is devoid of any such teachings. The mere reference to use "as a wipe" clearly cannot provide a proper basis for asserting that this reference teaches or suggests applicants' invention exhibiting "dual functionality".

Applicants respectfully refer to M.P.E.P. Section 2143.01 which specifically mandates that "the prior art must suggest the desirability of the claimed invention" (citation omitted). Mere reference in Reeder et al. that the webs may be "similar or dissimilar", or that use outside of the principle disclosed application, "in a disposable absorbent personal care product, such as a liner or 'topsheet' layer in a diaper, an incontinence pad, or a sanitary napkin, or the like; as a wipe; and the like" clearly cannot provide a proper basis for extrapolation of the teachings of this reference to support a proper rejection under 35 U.S.C. §103.

Applicants further refer to M.P.E.P. Section 2143.03, which specifically requires that "all claim limitations must be taught or suggested by the prior art" (citation omitted). As noted, Reeder et al. is specifically devoid of teachings of providing an abrasive layer provided in the form of coarse denier meltblown filaments.

Applicants note the Examiner's characterization that applicants' pending claims are merely "optimizable". In this regard, applicants refer to M.P.E.P. Section 2144.05, which cites *In Re Boesch*, cited by the Examiner.

The M.P.E.P. refers to *In Re Antonie* (citation omitted), in which the Court of Appeals for the Federal Circuit stated:

The prior art did not recognize that treatment capacity is a function of the tank volume to contract to ratio, and therefore the parameter optimized was not recognized in the art to be a result-effective variable.

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In the present instance, applicants must respectfully maintain that the Court's reasoning in this case is analogous to the present application. As specifically acknowledged by the Examiner, Reeder et al. fails to teach or suggest the specific difference in frictional coefficients, but perhaps more significantly, fails to teach or suggest that one layer of the construct disclosed therein *should be abrasive*, much less teach or suggest providing such abrasiveness by the provision of a coarse denier meltblown layer.

Under these circumstances, it is respectfully maintained that Reeder et al. cannot provide a proper basis for rejecting the presently pending claims under 35 U.S.C. §103, and reconsideration is respectfully requested.

In view of the foregoing, formal allowance of claims 1-3, 6-11, and 13-14 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

By _____



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I hereby certify that this document and fee (if applicable) is being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **April 17, 2006**, Express Mail Label No. **EV 576550681 US**.

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